

FREDERICK COUNTY BOARD OF APPEALS MEETING

MINUTES FOR THURSDAY, August 26, 2010.

Lara Roholt Westdorp, Chair, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday, August 26, 2010 at 7:00 p.m. Present were John Clapp, Sean Michalski, and Alan Duke and Carole Jaar Sepe. Ms. Westdorp welcomed Ms. Sepe to the Board. Also present were Michael Chomel, Senior Assistant County Attorney, and Planning Division staff Larry Smith, Zoning Administrator, and Rick Brace, Principal Planner II and Board Secretary.

Official Minutes of the Board of Appeals' meetings are kept on file in the Planning Division.

Ms. Westdorp stated the rules and procedures for the evening and swore in all persons who expected to testify at the meeting.

Approval of Minutes

On a motion from Mr. Clapp, seconded by Mr. Duke, the Board unanimously approved the minutes of June 24, 2010. Ms. Westdorp noted the board held no meeting in July as no cases had been filed for that month.

Annual Election of Officers

Ms. Westdorp turned over the meeting to Mr. Brace, Secretary, in order that elections for Board officers might be held. Mr. Brace announced the nominations open for Chair and Mr. Clapp nominated Ms. Westdorp. Mr. Michalski nominated Mr. Clapp, who declined. As there were no other nominations Mr. Brace declared the nominations closed and that Ms. Westdorp was Chair by acclamation. Ms. Westdorp assumed the Chair and opened nominations for Vice – Chair. Mr. Duke nominated Mr. Clapp and, there being no other nominations, the Chair declared Mr. Clapp Vice-Chair by acclamation.

Cases

B-10-07 Joseph and Julianne Dombek

Requesting a special exception to replace a temporary mobile previously located on site under case B-90-17 to house a caretaker for a family member, located on the south side of Nicholson Road, approx. 500 yards +/- west of MD Rt. 194 (Tax Map 28, Parcel 4), zoned Agricultural.

A motion by Mr. Michalski, seconded by Mr. Duke to deny the variance failed (3:2 Nay- Ms. Westdorp, Mr. Peppe, Sr., Mr. Duke). Mr. Duke moved that the request met the requirements of uniqueness, seconded by Mr. Peppe Sr., which passed (3:2 Nay - Mr. Clapp, Mr. Michalski). Mr. Duke then moved to grant the request, seconded by Mr. Peppe Sr. which passed (3:2 Nay - Mr. Clapp, Mr. Michalski).

B-08-20 Robert and Barbara Craig –Actions per Court Findings Not inconsistent with the Court Findings

Mr. Duke made a motion that the subject property is a minor subdivision, that the provisions of 1-16-236 (K) do not apply as determined by order of the Circuit Court and for the application to move forward as a minor subdivision, seconded by Mr. Clapp.

/s/
Lara Roholt Westdorp, Chair